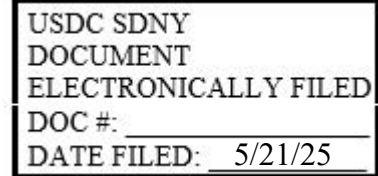


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: *Ex Parte* Application of Organized Crime
and Corruption Reporting Project to Conduct
Discovery for Use in Foreign Proceedings
Pursuant to 28 U.S.C. § 1782,

Petitioner.



23-MC-172 (RA) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Petitioner, the Organized Crime and Corruption Reporting Project (OCCRP), filed this action on May 23, 2023, seeking leave, pursuant to 28 U.S.C. § 1782, to serve BSG Resources Limited (BSG), Cleary Gottlieb Steen & Hamilton LLP, Alvarez & Marsal Holdings LLC, Marginalised Affected Property Owners, and EarthRights International (together, Respondents) with subpoenas for the purpose of obtaining discovery "for use in litigation that [OCCRP] believes will be refiled imminently" in Romania. OCCRP Memorandum of Law (OCCRP Mem.) (Dkt. 5) at 1.

OCCRP is an investigative reporting platform, run by Paul Radu, that "focuses on exposing crime and corruption" around the world. Radu Decl. (Dkt. 3-2) ¶¶ 2-6. As part of that work, OCCRP has published a number of articles on billionaire Beny Steinmetz, who controls BSG, and "is in the process of writing a series of articles on matters related to Steinmetz's connections to multiple mining enterprises around the globe," including BSG and its affiliates. OCCRP Mem. at 2; Radu Decl. at ¶ 6. In response to OCCRP's reporting, on February 21, 2023, Steinmetz filed a defamation lawsuit against Radu and OCCRP in a Romanian court. OCCRP Mem. at 2; Radu Decl. ¶ 8 & Ex. 2. Steinmetz seeks damages, retraction of statements made about him in OCCRP's articles, and to enjoin OCCRP from further reporting. OCCRP Mem. at 2; Radu Decl. ¶ 8 & Ex. 2 at ECF p. 28. In April 2023, the Romanian court dismissed the lawsuit with leave to re-file due to a "procedural defect." OCCRP Mem. at 2; Radu Decl. ¶ 10. However,

Radu asserts – citing a cease-and-desist letter received on April 4, 2023 – that he and OCCRP have "reason to believe that Mr. Steinmetz will continue the action." Radu Decl. ¶ 11.

In connection with the "threatened" refiling of the Romanian defamation lawsuit, OCCRP Mem. at 1, OCCRP seeks to obtain certain documents "for use in its defense . . . to demonstrate both that the information in OCCRP's reporting is accurate and therefore not defamatory, and that the basis of OCCRP's use and publication of Steinmetz's information fits within the journalistic activities exemption" to defamation under Romanian law. *Id.* at 2-3; *see also* Radu Decl. ¶¶ 13-14. OCCRP states that it seeks only a "carefully delimited set of documents" that "Respondents have already negotiated and agreed to produce" in a related matter, filed under docket *In Re Marginalised Affected Property Owners*, No. 21-MC-00681 (S.D.N.Y.) (*In Re Marginalised*). OCCRP Mem. at 3; Radu Decl. at ¶ 16; *see also* Statement of Relatedness (Dkt. 2).

As far as the Court can tell from the docket of *In Re Marginalised*, the parties finalized their negotiations over the production of the subject documents in or about March 2024, and accordingly dismissed that case with prejudice on March 5, 2024. (*See* Dkts. 50, 51 in *In Re Marginalised*.) Consequently, it is hereby ORDERED that, no later than **June 13, 2025**, petitioner must update the Court as to (1) the status of the Romanian litigation; (2) what documents, if any, it still seeks to obtain from Respondents; and (3) whether it proposes to amend its petition for that purpose and, if so, on what schedule.

Dated: New York, New York
May 21, 2025

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge